



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

DEC 05 2013

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Richard L. Dickenson  
Director, Environmental Services  
Tate & Lyle Ingredients Americas LLC  
2200 East Eldorado Street  
Decatur, Illinois 62525

Dear Mr. Dickenson:

This is to advise you that the U.S. Environmental Protection Agency has determined that the Tate & Lyle Ingredients Americas LLC (Tate & Lyle) facility at 2200 East Eldorado Street, Decatur, Illinois (facility) is in violation of the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.* and the associated state or local pollution control requirements. We are today issuing to you a Notice of Violation (NOV) for these violations.

The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, each state is required to develop an implementation plan. Illinois' State Implementation Plan (Illinois SIP) requires you to take reasonably available measures to prevent volatile organic compounds, nitrogen oxides, carbon monoxide, particulate matter, and hazardous air pollutants from emitting from the facility.

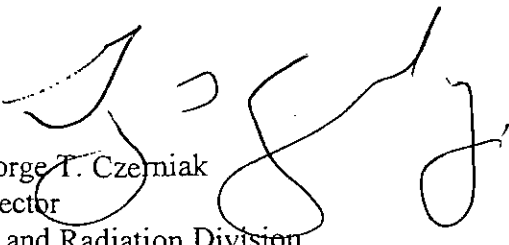
EPA finds that at the facility there are violations of two construction permits issued by Illinois EPA in 2004 and 2012 for volatile organic material emissions at Emission Unit 111-14.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the NOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Dakota Prentice. You may call him at (312) 886-6761 or email him at [prentice.dakota@epa.gov](mailto:prentice.dakota@epa.gov) if you wish to request a conference. EPA hopes that this NOV will encourage Tate & Lyle's compliance with the requirements of the CAA.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure

cc: Ray Pilapil  
Manager  
Bureau of Air, Compliance and Enforcement Section  
Illinois Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Tate & Lyle Ingredients Americas LLC  
Decatur, Illinois**

**NOTICE OF VIOLATION**

**EPA-5-14-IL-01**

Proceedings Pursuant to  
the Clean Air Act  
42 U.S.C. § 7401 et seq.

**NOTICE OF VIOLATION**

The U.S. Environmental Protection Agency is issuing this Notice of Violation (NOV) to Tate & Lyle Ingredients Americas LLC (you or Tate & Lyle) to notify you that we have found violations of the Clean Air Act, 42 U.S.C. §§ 7401-7671q (CAA or the Act), and the Illinois State Implementation Plan (SIP) at the facility located at 2200 East Eldorado Street, Decatur, Illinois 62525 (Facility). The relevant statutory and regulatory background, factual background, notice of violations, and environmental impact of these violations are set forth in detail below.

This NOV is issued in accordance with Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), which authorizes the Administrator to take certain enforcement actions after notifying a person that it is in violation of the Act. The authority to issue this NOV has been delegated by the Administrator to the Regional Administrator and re-delegated to the Director of the Air and Radiation Division for Region 5 of the EPA.

**Relevant Statutory and Regulatory Background**

**Illinois Environmental Protection Agency Construction Permits**

1. Under 40 C.F.R. § 52.23, any permit limitation or condition contained within a permit issued under an EPA-approved program that is incorporated in a SIP, is a requirement of the SIP, and is federally enforceable under Section 113, 42 U.S.C. § 7413.
2. EPA promulgated approval of 35 Illinois Administrative Code (IAC) Part 201, "Permits and General Conditions," as part of the federally enforceable SIP for the State of Illinois on May 31, 1972. See 37 Fed. Reg. 10862. Since then, EPA has approved several revisions of 35 IAC Part 201 into the federally enforceable SIP.

**Relevant Factual Background**

3. Tate & Lyle is a corporation that does business in Illinois.

4. Tate & Lyle is a "person" as that term is defined in Section 302(e) of the Act, 42 U.S.C. §7602(e).
5. Tate & Lyle owns and operates a grain processing facility located at 2200 East Eldorado Street in Decatur, Illinois (Decatur Plant or Facility)
6. At all times relevant to this Notice and Finding of Violation, Tate & Lyle owned and operated emissions units at its Decatur Plant.
7. A Soda Ash Neutralization System, was constructed at the Decatur Plant in August 1988 and began operation in November 1988. It is identified as Emission Unit 111-14.

#### Tate & Lyle's 2004 Construction Permit

8. In 2004, Tate and Lyle applied for a construction permit to install a new venturi and packed column scrubber system (Venturi Scrubber System).
9. The IEPA issued a Construction Permit for a Venturi Scrubber System, Application No.: 04050013 (2004 Construction Permit), to the Facility (listed as A. E. Staley Manufacturing Company) on September 22, 2004.
10. The Venturi Scrubber System, emission unit 111-14, was installed in or around 2004 and replaced the existing packed tower scrubber and catenary grid scrubber (Emission Units 111-14A and 111-14B).
11. The 2004 Construction Permit replaced Emission Units 111-14A and 111-14B from the Title V Permit with Emission Unit 111-14.
12. Condition 6.a of the 2004 Construction Permit states the volatile organic material (VOM) emissions from Emission Unit 111-14 shall not exceed 3.0 lbs/hr or 14 tons/yr.
13. The 2004 Construction Permit includes language on page seven, which states that the Permittee is allowed to operate the affected units under the construction permit until the Title V Permit is next reissued.

#### Tate and Lyle's 2012 Construction Permit

14. In 2011, Tate & Lyle applied for a construction permit to install additional emission units and air pollution control equipment as part of the "VICO Reliability Project." The new air pollution control equipment included a wet electrostatic precipitator (WESP) following the existing Venturi Scrubber System at Emission Unit 111-14.
15. The IEPA issued a Construction Permit for the VICO Reliability Project, Application No. 11100012 (2012 Construction Permit), to the Facility on March 29, 2012.
16. The WESP was installed at the Facility in late 2012.

17. Condition 6.a of the 2012 Construction Permit states that the VOM emissions from the Soda Ash Neutralization System (Emission Unit 111-14) shall not exceed 2.4 lbs/hr and 17.2 tons/yr.
18. Condition 14 of the 2012 Construction Permit states that the Permittee is allowed to operate the affected processes under the permit until the Title V Permit for the source is reissued.

#### 2012 Performance Test

19. In August 2013, Tate & Lyle conducted a stack test at Emission Unit 111-14 for VOM using Method 18.
20. This test identified an average emission rate for VOM of 3.54 lbs/hr.
21. The annual emissions at this rate are calculated to be 25.84 tons/yr of VOM when utilizing the methodology included in the permit application for the 2012 Construction Permit.

#### Violations

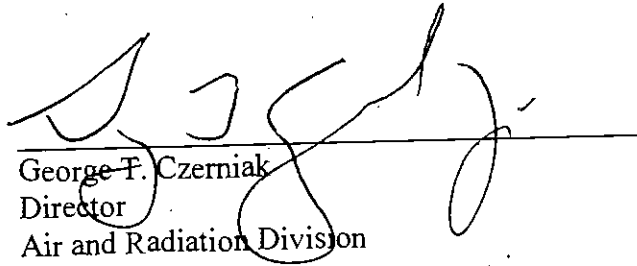
22. Tate & Lyle has been continuously violating Condition 6.a of the 2004 Construction Permit VOM emission rates of 3.0 lbs/hr and 14 tons/yr, since approximately 2004.
23. Tate & Lyle has been continuously violating Condition 6.a of the 2012 Construction Permit VOM emission rates of 2.4 lbs/hr and 17.2 tons/yr, since March 29, 2012.

#### Environmental Impact of Violations

24. These violations have caused excess emissions of VOM.

VOM: Also known as volatile organic compounds or VOCs, are major precursors in the formation of atmospheric and ground-level ozone, a photochemical oxidant associated with a number of detrimental health effects, including birth defects and cancer, and environmental and ecological effects. In the presence of sunlight, and influenced by a variety of meteorological conditions, VOCs react with oxygen in the air to produce ozone.

12/5/13  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
George F. Czerniak  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

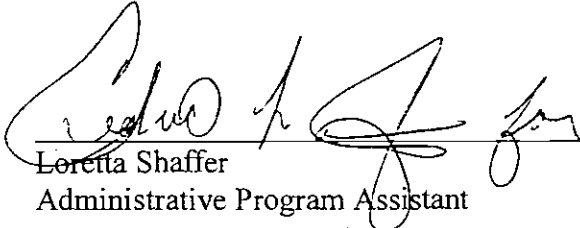
I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-14-IL-01, by Certified Mail, Return Receipt Requested, to:

Richard L. Dickenson  
Director, Environmental Services  
Tate & Lyle Ingredients Americas LLC  
2200 East Eldorado Street  
Decatur, Illinois 62525

I also certify that I sent copies of the Notice of Violation by first-class mail to:

Ray Pilapil, Manager  
Bureau of Air, Compliance Section  
Illinois Environmental Protection Agency  
P.O. Box 19506  
Springfield, Illinois 62794

on the 9<sup>th</sup> day of DECEMBER 2013.

  
Loretta Shaffer  
Administrative Program Assistant

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7676 1574